

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JULIE A. BELL,

Plaintiff,

Case No. 1:06-cv-448

vs.

Dlott, J.
Black, M.J.

VALEO CLIMATE CONTROL
USA DIVISION, *et al.*,

Defendants.

ORDER

This civil action is before the Court on defendant Valeo Climate Control USA Division (“Valeo”)’s motions for protective order (doc. 27), motion to compel and to extend all dates (doc. 35), and motion to strike plaintiff’s amended complaint (doc. 38). Each motion will be addressed in turn.

I. Motion for protective order (Doc. 27)

Defendant Valeo is seeking a protective order that provides that certain confidential information be disclosed in a designated way. Plaintiff has not responded to Valeo’s motion.

Here, plaintiff’s complaint alleges harassment, disability discrimination, and retaliation by Valeo, her employer. Thus, the undersigned agrees that a protective order is needed to protect confidential corporate information and/or personnel information, as well as confidential medical information. Accordingly, Valeo’s motion for protective order is well-taken and hereby granted.¹

¹ The protective order will be reflected in a separate docket entry.

II. *Motion to compel and to extend dates (Doc. 35)*

Defendant Valeo is seeking an Order compelling plaintiff to provide full and complete responses to: (1) Valeo's First Set of Interrogatories; (2) Valeo's requests for production of document; and (3) Rule 26 disclosures. Valeo is also seeking to extend the discovery and dispositive motion deadline by sixty days due to plaintiff's failure to provide timely responses to Valeo's discovery requests, and her failure to release her medical records. Plaintiff has not responded to Valeo's motion.

Rule 37(a)(2)(B) of the Federal Rules of Civil Procedure provides that if a party fails to answer an interrogatory submitted under Rule 33, or fails to respond to a request for documents under Rule 34, the discovering party may move for an order compelling an answer.

Here, plaintiff has failed to provide complete responses to Valeo's discovery requests, and she has failed to provide authorizations for her medical records from all of her treating physicians. (*See* Doc. 35, Exs. D, E, G). Accordingly, for good cause shown, and in the absence of any opposition, the undersigned finds Valeo's motion is well-taken, and it is granted.

Plaintiff shall provide complete responses to Valeo's discovery request and provide authorization for her medical records within 21 days of the date of this Order. Furthermore the discovery deadline is extended to July 1, 2007 and the dispositive motion deadline is extended to August 1, 2007.

III. *Motion to strike amended complaint (Doc. 38)*

On March 7, 2007, plaintiff filed an amended complaint. However, the deadline to move to amend the complaint expired on December 1, 2006. (*See* Doc. 26).

Pursuant to Fed.R.Civ. P. 15(a), plaintiff was required to obtain written consent of Valeo, or seek leave of the Court, prior to filing her amended complaint. Plaintiff did not obtain written consent from Valeo, nor seek leave of the Court prior to filing her amended complaint.

Accordingly, within seven (7) days of the entry of this Order, plaintiff shall file a motion for leave to file amended complaint. Plaintiff's original complaint will remain in effect if she fails to comply with the terms this Order.

IT IS THEREFORE ORDERED THAT:

1. Defendant Valeo's motion for protective order (doc. 27) is **GRANTED**;
2. Defendant Valeo's motion to compel and to extend dates (doc. 35) is **GRANTED**. Plaintiff shall provide complete responses to Valeo's discovery requests and provide authorization for her medical records **within twenty-one (21) days** of the date of this order.² Furthermore, the Scheduling Order is amended as follows:

Discovery deadline:	7/1/07
Dispositive motion deadline:	8/1/07

² Plaintiff's failure to satisfactorily comply with this Order may result in a Report and Recommendation to the district judge that this matter be dismissed. *See* Fed.R.Civ. P. 37 (b) (Authorizes the imposition of sanctions, including dismissal of the action for failing to obey an Order to provide discovery).

3. At this time, the undersigned reserves ruling on Defendant's motion to strike (doc. 38), consistent with the terms of this Order.

Date: May 2, 2007

s/Timothy S. Black
Timothy S. Black
United States Magistrate Judge